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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by Prahar, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is hereby circulated in accordance with Economic and Social Council resolution 1996/31

[1 February 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Justice delayed is Justice denied- the myth became truth in India.

Indigenous people have rich and diverse heritages, language, cultures and knowledge built upon their relationships with each other, their ecologies and their links to time and space.
Indigenous peoples are the sons of soil. Total population of the world around 300 million people are recognized as the indigenous people and 70% of this total population of the indigenous people are live in Asia continent. All over the world Human rights are rights to certain claims and freedoms for all human beings. But history shows that human rights of indigenous people are condemned in almost all societies.

Indigenous people of North East India especially Assam has been facing continuous discrimination whether from Land and political rights, natural Resources to their basic needs. The situation has become so worse that these people have searching their own identity in their own birthplace.

Illegal Migration is one of the most controversial and crucial issues in the current debate on socio economic and political policies in many countries of destination. North-eastern states especially Assam is also not lacking behind.

A well known movement of Assam history was the "Assam Movement" which was held in the year 1979 to 1985 to expel of illegal migrants from Assam in the basis of 1951 as the base year for citizen of India. But unfortunately after the movement the Assam Accord was signed between Government and AASU (All Assam Student's Union) seeking the "**Cut of Year**" of expel of Illegal foreigners from Assam is 1971 whether it is 1951 for all other parts of India. That means, Assam has been bearing the load of Illegal migrants of these extra 20years alone. The migrants who are Illegal as per the Assam Accord have remained in Assam and numbers have multiply along with their descendants.

How Students' representatives could take such a crucial decision about the future of Assamese people? How students' can become guardian of a state and a community? If cut off year of citizenship for all other states of India is 1951 then why 1971 has been set for Assam? Why always separate constitutional provisions for Assam?

In 1998, the Governor of Assam Mr. S.K Sinha has reported to the central govt. informing the burning situation of Assam affected by illegal migration.
After the independents of India to till now, numbers of acts has been enacted by the Indian Government for Assam to abate aliens' viz. Foreigners Acts 1946, The Immigration (Expulsion from Assam) Act, 1950, Illegal Migration(Determination by Tribunal) Act, 1983 etc. According to data, population of Assam increased 1971 to 1991 @52.44%and the dark shadow of Illegal migration seemed to swallow the future of Assamese people.

Already Assam government published the updated draft report of National Registrar of Citizen as the base year 1971. Whereas in the Supreme Court of India, cases in support of seeking 1951 as the base year is still going on. Surprisingly, according to Supreme Court order Assam government has processed for issuing NRC draft report. We are amazed with this double edged situation of the Supreme Court of India. Recently, an unusual incident shocked the whole world. Four Supreme Court Judges of India has rebelled against the Chief Justice of Supreme Court and Indian Judicial system. According to these judges "Without an independent judiciary, democracy is under threat". If Indian judicial system has been reaching to this critical stage then how common people maintain their faith on judiciary?

The large scale migration has significantly changed the demographic scenario in Assam and became the leading cause to social, economic and political instability in Assam. In this regard, we would like to inform this Council that indigenous people of Tripura have already became minority because of illegal foreigners.

A committee has been constituted on 2017 by the Assam Government for protection of land rights of indigenous persons of the State with former Chief Election Commissioner Hari Sankar
Brahma as its chairman. It can be imagine the situation in Assam for indigenous people is became so worse that they now have to prove themselves if they are indigenous or not. They are losing their rights in their own birthplace. This committee found that 90% of indigenous people of Assam didn't have their own land records. What a shame!

The Assam Land and Revenue act which was enacted on British colonial period i. e 1886 where the other states has been enjoying their land rights with their new and updated Land Revenue Acts.

From the post-colonial i. e 1826 era to till now the indigenous tribes of Northeast especially Assam has been facing tremendous movements whether is for safeguard of language or expel of illegal migration. Food, Cloth and Shelter- these are the basic needs of human beings. But these native groups have been consistently deprived in fulfilling their basic needs as they have been suffering all the time through imbalance. Their lives are passing through volcano like situations.

We are depriving from Government, from Judiciary even from the United Nations as we have been consistently raising our voice for safeguarding the human rights of our indigenous people and against these discrimination. Since 2015 to till today we have been continuously informing to the Human Rights Council about these crucial situation of North East specially Assam. But till now we did not get justice for our people. We can't proceed to the International Court of Justice as these issues are not involved in their jurisdiction. **"Justice delayed is Justice denied"**- this old saying has became as the cruel truth for the indigenous people North East India.

Many international laws and acts like United Nations Declaration on the Rights of Indigenous People (2007), International Labour Organization Convention No 169 on Indigenous and Tribal Peoples (1989) has been even can't be able to protect the rights of Indigenous people in North East. Indian government should evaluate these acts and their own constitutional provisions for protection of rights of Indigenous people.

The culture, heritage and ethnicity, language, traditions and customs of these indigenous groups are in threat. Therefore, we are requesting to this esteemed council and its affiliated treaty bodies to guide Indian Government to take adequate actions as soon as possible for protecting and safeguarding the human rights of the indigenous people of North East India.